HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1926(S/S) 2001
(Old no. 19474/1999)

Smt. Deoki Devi W/o late Bhairav Dutt Kandpal,
R/o Kosi road, Ram Nagar,
District Nainital. ---- Petitioner.

Vs.

1. Managing Director, U.P. Forest Corporation,
   21/475, Indra Nagar, Lucknow-16,
2. Karmik Prabandhak, U.P. forest Corporation
   21/475, Indra Nagar, Lucknow-16,
3. Divisional Vikraya Prabandhak,
   U.P. Forest Corporation,
   Ram Nagar, Nainital. ----Respondents.

Sri M.C. Kandpal , learned Sr. Counsel for the petitioner,
Sri Anirudha Bhatt Adv. for respondent no. 1 & 2,
And Sri Virendra Kapaswan, Adv. holding brief of Sri V.K. Bisht, ld. Senior Adv. for respondent no. 3.

Hon'ble M.M. Ghildiyal, J.

Heard Sri M.C. Kandpal, learned Senior Counsel for the petitioner , Sri Anirudha Bhatt Adv. for respondent no. 1 & 2 and Sri Virendra Kapaswan, Holding brief of Sri V.K. Bisht, learned Sr. Counsel for respondent no.3.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari quashing the order dated 28.01.1999 passed by the respondent no. 3 which was supplied to the petitioner on 10.02.1999 as annexure no. 4 to this writ petition,

ii. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to provide the appointment to the

petitioner in place of her husband on the basis of dying in harness Rules,

iii. Issue a writ, order or direction in the nature of mandamus, commanding and directing the respondents to provide family pension and other dues and benefits to the petitioner, for which she is entitled in accordance with law and rules,

iv. Issue any other writ, order or direction of any nature as this Hon'ble Court may deem fit and proper in the interest of justice,

v. Award the cost of the present petition to the petitioner.

3. The respondents have filed a short counter affidavit. In para-6 of the counter affidavit, the respondents have stated that in May 15, 2003, the petitioner was engaged as Cook on daily basis and since then she is continuing in the Corporation. From June 19, 2005 her provident Fund is also being deducted and her Employees Provident Fund account no. is 3532.

4. Keeping in view the aforesaid fact mentioned in the counter affidavit the petitioner is already engaged in the Department. Nothing remains in the writ petition to be adjudicated, as the grievances of the petitioner have already been settled by the Department, thus the writ petition has become infructuous.

(M.M. Ghildiyal, J.)

May 15, 2006:
NCM: